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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,937	12/09/2003	Yoshikazu Shibamiya	00862.023364.	2394
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EXAMINER				
LIN, JASON K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,937

Applicant(s)

SHIBAMIYA ET AL.

Examiner

JASON K. LIN

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This office action is responsive to application No. 10/729,937 filed on 11/05/2008.

Claims 19-24 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to **claims 19-24** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 19, 21, 22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,133,962) in view of Young et al. (US 5,808,608).

Consider **claims 19 and 22**, Proehl teaches a display control apparatus (Figs.5, 6) and method generating electronic program guide images with a matrix format area defined by broadcasting time and channel and displaying a generated electronic program guide image to a display unit (Fig.1), said display control apparatus comprising:

an information acquisition unit (15, 15a, 20, 24 – Fig.6) configured to acquire program information associated with each of programs to be broadcasted (Col 5: lines 3-18);

a controlling unit (CPU 29 – Fig.6) configured to generate first and second electronic program guide images using acquired program information (Col 3: lines 15-16 teaches at least two EPG modes. *With Fig.1 being the 1st EPG image*), wherein each electronic program guide image is arranged as program information display areas for displaying the program information of a respective plurality of programs corresponding to broadcasting time and channel in the matrix format area (Fig.1), and wherein the program information display areas of the first electronic program guide image display program name information corresponding to programs of longer than a predetermined duration and do not display program name information corresponding to programs of less than or equal to the predetermined duration (Fig.1; Col 3: lines 22-50 teaches a first mode of the EPG in multiple program display mode. In this display mode all programming available during this time block is displayed presenting program information. The current time block is 3 to 3:30 and all the program names for this time block are shown. *A predetermined duration is a period of time, which under broadest reasonable interpretation can be interpreted as a program time in between two intervals of time, in this case from 2:30 to 3 {predetermined duration}. As taught in Fig.1 and the cited lines, it can be seen that program names after 2:30 to 3 {longer than a predetermined duration} are shown while program names from 2:30 to 3 and before {less than or equal to the predetermined duration} are not shown),*

an input unit (remote controller 10 – Figs.6, 7) configured to accept instruction input from a user for selecting which of the first electronic program guide image and the second electronic program guide image is to be displayed (Col 3: lines 15-21 teaches two EPG display modes. Col 5: line 58 - Col 6: line 8 teaches remote controller 10 allows user to transmit commands and make selections); and

a display control unit (monitor 16-Fig.5) configured to display either the first or the second electronic program guide image according to the instruction input (Col 3: lines 15-32).

Proehl does not explicitly teach the program information display areas of the second electronic program guide image display program name information corresponding to programs of longer than a predetermined duration and also display program name information corresponding to all programs, of less than or equal to the predetermined duration, which are included in the matrix format area.

In an analogous art, Young teaches program information display areas of a second electronic program guide image display program name information corresponding to programs of longer than a predetermined duration and also display program name information corresponding to all programs, of less than or equal to the predetermined duration, which are included in the matrix format area (Figs.5-6; Col 9: lines 17-38 teaches the image display of an EPG. Col 24: lines 14-24, 50-54 a default EPG which consists of a set default time period {1st EPG

image) and a primetime command where the time can be specified by the user that shows another EPG with the new time periods {2nd EPG image}. *Therefore taking, taking the example from previous reference Proehl, where the predetermined duration is 2:30 to 3, when the user presses the primetime command, where the time period can be set by the user, this time period can be set for 2 to 3:30 or more. So in this time period the program name for programs after 2:30 to 3 {programs of longer than a predetermined duration} are shown and also program name of programs less than or equal to 2:30 to 3 {less than or equal to the predetermined duration} are also shown as well).*

an input unit (212 - Fig.22A-B) configured to accept instruction input from a user for selecting which of the first electronic program guide image and the second electronic program guide image is to be displayed (Figs.5-6; Col 9: lines 17-38 teaches the image display of an EPG. Col 24: lines 14-24, 50-54 a default EPG which consists of a set default time period {1st EPG image} and a primetime command where the time can be specified by the user that shows another EPG with the new time periods {2nd EPG image}).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Proehl's system to include program information display areas of a second electronic program guide image display program name information corresponding to programs of longer than a predetermined duration and also display program name information corresponding to all programs, of less than or equal to the predetermined duration, which are included in the matrix format

area; an input unit configured to accept instruction input from a user for selecting which of the first electronic program guide image and the second electronic program guide image is to be displayed, as taught by Young, for the advantage of allowing users to view at a glance all desired programming within a specified time frame, and providing customizable options to the user providing them with greater flexibility and ease of use.

Consider **claims 21 and 24**, Proehl and Young teach further comprising:

an operating unit (Proehl - Fig.6; Young – Fig.22a-b) configured to accept selection of a program placed on a program information display area in a displayed electronic program guide image from the user (Proehl - Col 3: lines 15-21 teaches two EPG display modes. Col 5: line 58 - Col 6: line 8 teaches remote controller 10 allows user to transmit commands and make selections; Young - Figs.5-6; Col 9: lines 17-38, Col 24: lines 14-24, 50-54),

wherein said controlling unit controls movement of a cursor, which indicates the currently selected program, among programs of less than or equal to the predetermined duration when the second electronic program guide image is displayed in the display unit (Young - Figs.5-6; Col 9: lines 17-38 teaches the image display of an EPG. Col 24: lines 14-24, 50-54 a default EPG which consists of a set default time period {1st EPG image} and a primetime command where the time can be specified by the user that shows another EPG with the

new time periods {2nd EPG image}. *Taking the previous example discussed where the predetermined duration is 2:30 to 3, and the new 2nd EPG has a time period of 2 to 3:30, program names of programs less than or equal to 2:30 to 3 {less than or equal to the predetermined duration} are also shown.* Col 7: lines 8-46 teaches a cursor that moves on the EPG that indicates a currently selected program. *Therefore, when the cursor is over program(s) that are less than or equal to 2:30 to 3, these programs are indicated by the cursor).*

5. **Claims 20 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US 6,133,962), in view of Young et al. (US 5,808,608), and further in view of Inoue (US 2002/0044144).

Consider **claims 20 and 23**, Proehl and Young teaches wherein said controlling unit generates the first electronic program guide image which displays the program information display area corresponding to a program of less than or equal to the predetermined duration as only a program cell (Proehl – Fig.1; Col 3: lines 22-50).

In an analogous art, Inoue'144 teaches a program cell can be a colored area such that existence of a program can be recognized (Paragraph 0081, 0089).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Proehl and Young to include a program cell can be a

colored area such that existence of a program can be recognized, as further taught by Inoue'144, for the advantage of allowing a user to check a program cells information easily (Inoue'144 - Paragraph 0027-0028), allowing users to easily distinguish the long programs from the short programs.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason Lin/
Examiner, Art Unit: 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425